

Exhibit 17

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1	UNITED STATES DISTRICT COURT	1	APPEARANCES OF COUNSEL
2	NORTHERN DISTRICT OF CALIFORNIA	2	
3		3	For Plaintiffs and the Proposed Classes:
4	ALICIA HERNANDEZ, et al., Case No.	4	GIBBS LAW GROUP LLP
5	individually and on behalf of	5	BY: JEFFREY B. KOSBIE, ESQ.
6	all others similarly situated, 3:18-cv-07354	6	LINDA P. LAM, ESQ.
7	Plaintiffs,	7	505 14th Street, Suite 1110
8	vs.	8	Oakland, California 94612
9	WELLS FARGO & COMPANY and	9	510.350.9703
10	WELLS FARGO BANK, N.A.,	10	jbk@classlawgroup.com
11		11	lpl@classlawgroup.com
12	Defendants.	12	
13		13	For Defendants:
14	VIDEOTAPED DEPOSITION OF JERRY DELA CRUZ	14	WINSTON & STRAWN LLP
15	DECEMBER 10, 2019	15	BY: JOELLE L. ROSS, ESQ.
16	9:31 A.M.	16	ARIEL FLINT, ESQ.
17		17	1700 K Street, NW
18	101 California Street, 35th Floor	18	Washington, DC 20006
19	San Francisco, California	19	202.282.5702
20		20	jross@winston.com
21		21	aflint@winston.com
22	Reported by Mona M. Russo, CSR No. 8771, RDR, CRR	22	
23		23	Also Present:
24		24	Kevin McMahon, Videographer
25		25	

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1	UNITED STATES DISTRICT COURT	1	INDEX TO EXAMINATION
2	NORTHERN DISTRICT OF CALIFORNIA	2	
3		3	WITNESS: Jerry Dela Cruz
4	ALICIA HERNANDEZ, et al., Case No.	4	
5	individually and on behalf of	5	EXAMINATION PAGE
6	all others similarly situated, 3:18-cv-07354	6	By Ms. Ross 9
7	Plaintiffs,	7	
8	vs.	8	* * *
9	WELLS FARGO & COMPANY and	9	
10	WELLS FARGO BANK, N.A.,	10	INDEX TO EXHIBITS
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12	Defendants.	12	DEFENDANT'S DESCRIPTION MARKED
13		13	Exhibit 601 Deposition Subpoena 12
14		14	Exhibit 602 Uniform Residential Loan 29
15		15	Application
16		16	(Bates WF_HERNANDEZ_00175713 - 5716)
17		17	Exhibit 603 W.J. Bradley Mortgage Note 32
18		18	(Bates WF_HERNANDEZ_00175076 - 5081)
19		19	Exhibit 604 Final Report and Deed of Trust 33
20		20	(Bates WF_HERNANDEZ_00175156 - 5177)
21		21	Exhibit 605 Letter dated April 22, 2011, 55
22		22	to W.J. Bradley Mortgage from
23		23	Jerry Dela Cruz
24		24	(Bates WF_HERNANDEZ_00174580)
25		25	Exhibit 606 Assignment of Deed of Trust 68
			(Bates WF_HERNANDEZ_00175569 - 5570)
			Exhibit 607 Letter dated August 15, 2012, 70
			to Jerry Dela Cruz from Wells
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			(Bates WF_HERNANDEZ_00174468 - 4470)

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2				2			
3	DEFENDANT'S	DESCRIPTION	MARKED	3	DEFENDANT'S	DESCRIPTION	MARKED
4	Exhibit 608	Letter dated September 14, 2012, to Jerry Dela Cruz from Wells Fargo Home Mortgage (Bates WF_HERNANDEZ_00174462 - 4464)	73	4	Exhibit 625	Photocopy of Check Number 0004110065 dated November 18, 2019, in the amount of \$15,000 (Bates WF_HERNANDEZ_00178620)	115
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6	Exhibit 609	Letter dated November 1, 2012, to Jerry Dela Cruz from Wells Fargo Home Mortgage (Bates WF_HERNANDEZ_00174458 - 4459)	75	6			
7				7			
8	Exhibit 610	Letter dated June 3, 2013, to Jerry Dela Cruz from Wells Fargo Home Mortgage (Bates WF_HERNANDEZ_00174457)	78	8			
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11	Exhibit 611	Letter dated June 17, 2013, to Jerry Dela Cruz from Wells Fargo Home Mortgage (Bates WF_HERNANDEZ_00178506 - 8507)	80	11			
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13	Exhibit 612	Letter dated July 9, 2013, to Jerry Dela Cruz from Wells Fargo Home Mortgage (Bates WF_HERNANDEZ_00174471 - 4474)	83	13			
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16	Exhibit 613	Letter dated August 6, 2013, to Jerry Dela Cruz from Wells Fargo Home Mortgage (Bates WF_HERNANDEZ_00174448 - 4450)	86	16			
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18	Exhibit 614	Letter dated September 12, 2013, to Jerry Dela Cruz from Wells Fargo Home Mortgage (Bates WF_HERNANDEZ_00174500 - 4501)	89	18			
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21	Exhibit 615	Letter dated September 13, 2013, to Jerry Dela Cruz from Wells Fargo Home Mortgage (Bates WF_HERNANDEZ_00174446 - 4447)	91	21			
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1	INDEX TO EXHIBITS (Continued)			1	SAN FRANCISCO, CALIFORNIA		
2				2	TUESDAY, DECEMBER 10, 2019; 9:31 A.M.		
3	DEFENDANT'S	DESCRIPTION	MARKED	3			
4	Exhibit 616	Letter dated September 18, 2013, to Jerry Dela Cruz from Wells Fargo Home Mortgage (Bates WF_HERNANDEZ_00174494 - 4495)	94	4	THE VIDEOGRAPHER: Good morning. We are		
5				5	now on the video record on December 10th, 2019. The		
6	Exhibit 617	Notice of Default and Election to Sell Under Deed of Trust (Bates WF_HERNANDEZ_00174650 - 4666)	96	6	time is 9:31 a.m. My name is Kevin McMahon. The		
7				7	court reporter today is Mona Russo. We're both here		
8	Exhibit 618	Letter dated October 10, 2013, to Jerry Dela Cruz from Wells Fargo Home Mortgage (Bates WF_HERNANDEZ_00174492 - 4493)	97	8	representing Esquire Deposition Solutions in San		
9				9	Francisco, California.		
10	Exhibit 619	Letter dated October 21, 2013, to Jerry Dela Cruz from Wells Fargo Home Mortgage (Bates WF_HERNANDEZ_00174425 - 4427)	100	10	This is the beginning of Disk 1 for the		
11				11	deposition of Jerry Dela Cruz in the matter of		
12				12	Hernandez, et al., versus Wells Fargo Bank, N.A.		
13	Exhibit 620	Trustee's Deed Upon Sale (Bates WF_HERNANDEZ_00178604 - 8608)	106	13	The case number is 18-cv-0735(WHA). We are located		
14	Exhibit 621	Letter dated September 24, 2018, to Jerry Dela Cruz from Wells Fargo Home Mortgage (Bates WF_HERNANDEZ_00174480 - 4482)	109	14	at Winston Strawn, 101 California Street, 35th		
15				15	Floor, San Francisco, California, 94111.		
16				16	Counsel, would you please identify		
17	Exhibit 622	Photocopy of Check Number 0003766031 dated September 24, 2018, in the amount of \$15,000 (Bates WF_HERNANDEZ_00178619)	111	17	yourselves for the record.		
18				18	MS. ROSS: Sure. Joelle Ross from		
19	Exhibit 623	Letter dated January 11, 2019, to Jerry Dela Cruz from Wells Fargo Home Mortgage (Bates WF_HERNANDEZ_00174476 - 4479)	113	19	Winston & Strawn on behalf of the defendants.		
20				20	MR. FLINT: Ariel Flint from Winston &		
21				21	Strawn on behalf of the defendants.		
22	Exhibit 624	Letter dated November 18, 2019, to Jerry Dela Cruz from Wells Fargo Home Mortgage (Bates WF_HERNANDEZ_00174475)	115	22	MS. LAM: Linda Lam of Gibbs Law Group for		
23				23	plaintiffs.		
24				24	MR. KOSBIE: Jeffrey Kosbie of Gibbs Law		
25				25	Group for plaintiffs.		

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1 THE VIDEOGRAPHER: The court reporter may
2 swear in the witness.
3
4 JERRY DELA CRUZ,
5 having been first duly sworn, was examined and
6 testified as follows:
7
8 THE VIDEOGRAPHER: Please proceed.
9 EXAMINATION
10 BY MS. ROSS:
11 Q Mr. Dela Cruz, can you please state your
12 name for the record?
13 A My name is Jerry Dela Cruz.
14 Q And I know we met a moment ago. I'm
15 Joelle Ross. I'm one of the attorneys for the
16 defendant, Wells Fargo, and I'm going to be asking
17 you a series of questions related to this lawsuit
18 today.
19 Are you prepared to testify today?
20 A Yes.
21 Q Is there any reason why you cannot testify
22 fully and truthfully today?
23 A No, I don't think so.
24 Q Do you understand that you are under oath
25 today?

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1 A Yes.
2 Q Have you ever been a witness in a
3 deposition before?
4 A Not at all.
5 Q How about have you ever given sworn
6 testimony in a trial?
7 A No.
8 Q To make sure that we have a clean record,
9 I'm just going to ask that you answer my questions
10 verbally, which you have been doing, so just make
11 sure to not shake your head yes or no.
12 A Okay.
13 Q Please don't use unclear answers, like
14 "uh-huh" or "mh-hm," and I'm going to do the same
15 myself.
16 Does that sound good?
17 A I'm going to try not to move my head.
18 Yes.
19 Q And if you don't understand a question for
20 any reason, just ask me to rephrase the question.
21 Is that okay?
22 A Yes.
23 Q Okay. We're going to try to take a break
24 every hour or so, and if you need to take a break at
25 any time, just let us know, and we can pause, but I

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1 will ask that if a question is pending, that you
2 answer the question before we take our break.
3 Is that okay?
4 A Okay.
5 Q Okay. Are you being represented by
6 counsel today?
7 A Yes.
8 Q And who is your counsel?
9 A These guys right here, I think.
10 Q Do you know their names?
11 A Jeff and Linda.
12 Q Okay. And they're from Gibbs Law Group?
13 A Yes.
14 Q Okay. When did you retain them as your
15 counsel?
16 A Today, I believe. I met them today.
17 Q What time?
18 A About 8:30.
19 Q And where did you meet them?
20 A In the lobby downstairs.
21 Q Downstairs of this building?
22 A Yes.
23 Q Okay. And did you meet with them?
24 A Yes, prior to this deposition.
25 Q So it's about 9:30 now. So you've met

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1 with them for about an hour?
2 A I believe so, yes.
3 Q Okay. Did you review any documents with
4 counsel?
5 A No.
6 Q Did you -- so you didn't review any
7 documents to refresh your recollection of what
8 happened?
9 A No.
10 Q Okay. So I'm going to show you what we're
11 going to mark as Exhibit --
12 THE REPORTER: 601.
13 MS. ROSS: Thank you. 601.
14 (Defendant's Exhibit 601 was marked for
15 identification.)
16 BY MS. ROSS:
17 Q It's a copy of the federal court subpoena
18 that you received.
19 A Oh, yes.
20 Q Do you recognize this document?
21 A Yes, I do. I'm sorry.
22 Q Okay. And you were served with this
23 document on November 30th; is that right? On or
24 about November 30th?
25 A Yeah, I think so.

<p style="text-align: right;">Page 33</p> <p>1 it says, "I promise to pay \$41,400"? 2 Do you see that? 3 A Yes. 4 Q Okay. So this refreshes your recollection 5 that your loan was in the amount of \$41,400? 6 A Yes. 7 MR. KOSBIE: Objection as to form. 8 BY MS. ROSS: 9 Q Was your loan in the amount of \$41,400? 10 A Yes. 11 Q Okay. In the middle of the first page, 12 underneath paragraph 3, "Payments," subsection (B), 13 "Amount of Monthly Payments: My monthly payment 14 will be in the amount of \$235.06." 15 Do you see that? 16 A Yes. 17 Q Were your monthly payments under the loan 18 \$235.06? 19 A Yes. 20 MS. ROSS: 604. 21 (Defendant's Exhibit 604 was marked for 22 identification.) 23 BY MS. ROSS: 24 Q I'm now showing you what we've marked as 25 Exhibit 604, which is Bates labeled</p>	<p style="text-align: right;">Page 35</p> <p>1 document, if you look at the section "Uniform 2 Covenants," and then look at Number 1, "Payment of 3 Principal, Interest, Escrow Items, Prepayment 4 Charges, and Late Charges," will you please take a 5 moment to read through this paragraph? 6 A Out loud? 7 Q Oh, no, to yourself. 8 A Oh, I'm sorry. Okay. 9 Q Yeah, just to read what it says. 10 (Document review.) 11 THE WITNESS: Okay. 12 BY MS. ROSS: 13 Q In your own words, what does this 14 paragraph mean to you? 15 A It means I have to pay them because I 16 signed a form. 17 Q And now turning to the page ending in 18 175168, which is in the middle of the document, 19 underneath "Nonuniform Covenants," paragraph 22, 20 "Acceleration: Remedies," will you take a moment 21 and read through this paragraph? 22 A Okay. 23 (Document review.) 24 THE WITNESS: Okay. 25</p>
<p style="text-align: right;">Page 34</p> <p>1 WFHERNANDEZ00175156 to 175177, which is the deed of 2 trust for the Fisher Court property. 3 Do you recognize this document as the deed 4 of trust for the property at issue? 5 A No, I don't. 6 Q Turning to the second page of the 7 document, do you see that the document, underneath 8 the words "Deed of Trust," it is dated May 4th, 9 2011? 10 A Mh-hm. 11 Q And it lists you, Jerry Dela Cruz, as the 12 borrower? 13 A Yes. 14 Q And if you turn to the page ending in 15 Bates Number 175169, which is in the middle of the 16 document, do you see your signature there? 17 A Yes. 18 Q So you signed this document? 19 A Yes. 20 Q Did you read through this document before 21 you signed it? 22 A I'm sure I did at that time, but I don't 23 remember now. 24 Q Turning now to the page ending in 175159, 25 which I think is about the fourth page of the</p>	<p style="text-align: right;">Page 36</p> <p>1 BY MS. ROSS: 2 Q In your own words, what does this 3 paragraph of the agreement mean to you? 4 A That I have to pay them back, agreement of 5 security instruments. 6 Q Is it fair to say that this paragraph says 7 Wells Fargo can require immediate payment of the 8 mortgage if you fail to pay monthly payments before 9 the due date? 10 MR. KOSBIE: I object as to form. 11 THE WITNESS: Yes. 12 BY MS. ROSS: 13 Q And looking at the first paragraph under 14 paragraph 22, like the first section at the top, the 15 second to last sentence of that paragraph says, "If 16 the default is not cured on or before the date 17 specified in the notice, lender at its option may 18 require immediate payment in full of all sums 19 secured by this security instrument without further 20 demand and may invoke the power of sale and any 21 other remedies permitted by applicable law." 22 Do you see that? 23 A Yes. 24 Q Did you read this paragraph when you -- 25 before you signed the document?</p>

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1 A No, I didn't.
2 Q So you never read this paragraph before?
3 A No.
4 Q When you signed this security instrument
5 here today, that's here in front of you -- let me
6 start over.
7 When you signed this deed of trust, did
8 you understand that you were required to make
9 monthly payments on time?
10 A Yes.
11 Q And did you understand that if you did not
12 make monthly payments on time, Wells Fargo had the
13 right to require immediate payment of the mortgage
14 in full?
15 MR. KOSBIE: I object as to form.
16 THE WITNESS: No, I didn't know that.
17 BY MS. ROSS:
18 Q But it is stated in this paragraph that we
19 just looked at; is that right?
20 A Yes.
21 MR. KOSBIE: I object as to form.
22 BY MS. ROSS:
23 Q So you just did not read the paragraph?
24 A This one right here?
25 Q Before you signed?

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1 A No, I didn't.
2 Q Did you read the document before you
3 signed?
4 A Not all of it.
5 Q Turning to -- in this document, turning to
6 the second to last page, which is Bates numbered
7 175176, do you see this page is called "Second Home
8 Rider"?
9 A Mh-hm.
10 Q And it is dated May 4th, 2011; is that
11 right?
12 A Yes.
13 Q And it has the property address
14 2942 Fisher Court in Stockton, California?
15 A Yes.
16 Q And if you turn the page to the last page
17 of the document, is that your signature?
18 A Yes.
19 Q So you signed this document?
20 A Yes.
21 Q Did you review the document before you
22 signed?
23 A No.
24 Q Did you work with an attorney to obtain
25 this mortgage?

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1 A No.
2 Q Did you work with -- or was anyone with
3 you when you signed all these documents?
4 A My uncle.
5 Q And who's your uncle?
6 A Oscar; Oscar, Sr., Galay, Sr.
7 Q Oscar Galay, Sr.?
8 A Yeah.
9 Q Did Oscar review these documents?
10 A I don't know if he did.
11 Q Did he see the documents?
12 A I'm sure he did, yes.
13 Q Did you guys discuss the contents of the
14 mortgage?
15 A Yes.
16 Q Is the property at 2942 Fisher Court the
17 first home that you've owned?
18 A Yes.
19 Q Was the property at 2942 Fisher Court your
20 primary residence?
21 A No.
22 Q What was your primary residence?
23 A At that time, I was living in Pacifica.
24 Q In 2011?
25 A Yes.

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1 Q What was your address in Pacifica?
2 A I thought I saw it on one of these that I
3 filled out the form. Right here, 336 Glencourt Way,
4 Pacifica, California.
5 Q Can you let me know what exhibit you're
6 looking at?
7 A Oh, yeah, sorry.
8 Q What's the number at the bottom? Sorry.
9 A 602.
10 Q Okay. And what is the page number at the
11 bottom right, I mean, the Bates number?
12 A 713, 00175713.
13 Q Got it. Thank you. Okay. I see what
14 you're looking at.
15 335 Glencourt Way, Pacifica, California?
16 A Yeah.
17 Q And that was your address in 2011?
18 A Yes.
19 Q Where is Pacifica, California?
20 A It is next to Daly City. It's the city
21 over. They're very close. It's pretty much the
22 same city over.
23 Q Yeah. So 45 minutes from here?
24 A Same thing, yeah, with traffic.
25 Q With traffic?